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BY: _____
DEPUTY CLERK

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

HONORABLE CLAIR M. POULSON, in his
official capacity as Judge of the Duchesne
County Justice Court, and DEREK DALTON,

Plaintiffs,

v.

UTE INDIAN TRIBE OF THE UINTAH and
OURAY RESERVATION; et. al.,

Defendants.

[Proposed] **ORDER DENYING
MOTION TO DISMISS RE:
MOOTNESS**

Civil No. 2:12-cv-00497-BSJ

Judge: Bruce S. Jenkins

DEAN REED,

Counterclaim and
Third-Party Plaintiff,

v.

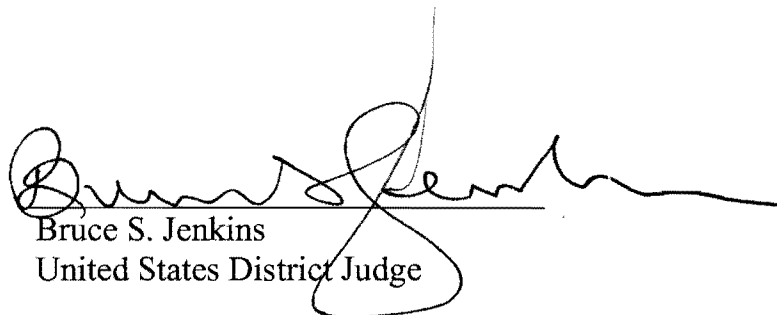
DEREK DALTON, in his individual and official
capacity; GRANT H. CHARLES, in his
individual and official capacity as a Deputy
Attorney of the Duchesne County Attorney's
Office; DUCHESNE COUNTY, UTAH; and
John/Jane Does 1-5, in their individual and
official capacities,

Counterclaim and
Third-Party Defendants.

Defendants Tribal Court for the Ute Tribe of the Uintah and Ouray Reservation and Chief Judge Smiley Arrowchis' *Motion to Dismiss* based on mootness (Doc. 139) came on for a regularly scheduled hearing before the Court on June 25, 2013. Plaintiffs Clair Poulson and Derek Dalton were represented at that hearing by Deputy County Attorney Marea Doherty, and Deputy County Grant Charles both from the Duchesne County Attorney's Office, and by Jesse C. Trentadue from the firm Suitter Axland, PLLC. Defendants Ute Tribal Court and Chief Judge Arrowschis were represented by Jeffrey Rasmussen of the firm Fredericks Peebles & Morgan, LLP, as well as J. Preston Stieff of the firm J. Preston Stieff Law Offices.

The Court having heard and considered the arguments of counsel and being otherwise knowledgeable with respect to the parties' submissions on this matter finds that Plaintiffs' claims are not moot because not only is there a likelihood that Plaintiffs will continue to be subject to suit in the Ute Tribal Court but they are in fact still being sued in the Ute Tribal Court. Therefor, Defendants Tribal Court for the Ute Tribe of the Uintah and Ouray Reservation and Chief Judge Smiley Arrowchis' *Motion to Dismiss* based on mootness (Doc. 139) is DENIED.

Dated this 8TH day of July, 2013.


Bruce S. Jenkins
United States District Judge

Approved as to Form:

/s/ J. Preston Stieff
J. Preston Stieff

T:\4000\4530\103\PROPOSED ORDER RE MOTION DISMISS RE MOOTNESS.wpd